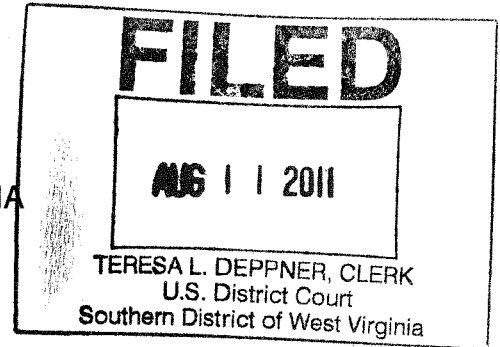


UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF WEST VIRGINIA
Charleston, West Virginia



United States of America
Plaintiff,

Civil Action No.: 2:10-cv-1087
Judge Copenhaver

\$88,029.08 more or less,
(\$85127.08 is the balance
of WesBanco account xxxx7905)

John F. Tomasic and Katherine A.
Hoover, interested parties,
no pending criminal charges

RESPONSE TO MOTION TO COMPEL DR. HOOVER'S
DEPOSITION

NOW COME John F. Tomasic and his wife Katherine A. Hoover MD, pro se,
and contest the claim on the money belonging to Mr. Tomasic.

Mr. Tomasic never had any affiliation with the practice in Williamson, West
Virginia.

Mr. Tomasic did have deposits in WesBanco account xxxx7905 of \$191,000
from the lawsuit settlement as of October 2009 and an additional deposit was
made of \$22,000.00 more or less in approximately November 2009. The total
deposits made by Mr. Tomasic prior to March 2, 2010 was greater than
\$213,000.00. At no time did Mr. Tomasic write checks on the above account from
the time of the above deposit in October 2009 until the Ordered withdrawal on
March 2, 2010.

Katherine Hoover MD borrowed sufficient funds, approximately
\$150,000.00, from Mr. Tomasic to settle the William B. Hoover estate from
WesBanco xxxx7905. The estate then divided the remaining money among the
five sisters. Dr. Hoover's share was \$42,000.00 more or less which was issued by
check from the estate. When Dr. Hoover cashed the check at First United Bank of
Fort Lauderdale \$3,000.00 was taken as cash and the remainder was a certified
check. The remaining cash of \$2905.00, taken from Dr. Hoover's bedroom in
Williamson, West Virginia, belonged to Mr. Tomasic as repayment on his loan and
the cashier's check was deposited in his account. The moneys remaining in the
WesBanco account was money paid to Mr. John F. Tomasic.

The United States Attorney's office for the Southern District of West Virginia

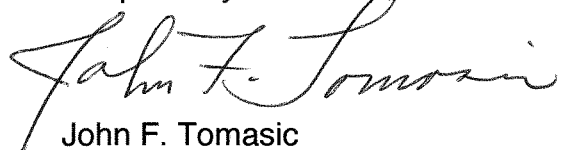
has all of the records to verify that the verification filed by Mr. Tomasic is true and correct, minus the \$22,000.00 inheritance to Mr. Tomasic, the AUSA Pullin had deliberately left out of her accounting.

THEREFORE, the seizure of the WesBanco accounts was never money from the practice at 35 West Third Ave. Williamson, West Virginia. The savings account was money earned prior to Dr. Hoover's work in Williamson plus a gift from her parents of \$22,000.00. The money in the WesBanco checking account was from estate settlements or the lawsuit settlement.

Since there was never a cause of action against Mr. Tomasic or in personam jurisdiction over him, there has never been jurisdiction over his property. The fact that there was never any jurisdiction over any of the funds in the WesBanco accounts means that all of the pleadings made by the United States Attorney for the Southern District of West Virginia are fraud on the court.

WHEREFORE, we pray that the Court Order that all moneys should be returned forthwith with prejudice and interest and costs. The Court has no jurisdiction to order depositions or any other discovery on all of the moneys belonging to Mr. John Tomasic since there never was a cause of action against Mr. Tomasic.

Respectfully submitted,



John F. Tomasic


Katherine A. Hoover MD

Katherine A. Hoover MD

CERTIFICATE OF SERVICE

I, John Tomasic do hereby certify that a true and correct copy of the foregoing RESPONSE TO MOTION TO COMPEL DR. HOOVER'S DEPOSITION has been sent by United States mail to AUSA Fred Westfall United States Attorney's Office for the Southern District of West Virginia 300 Virginia St. Suite 4000 Charleston, WV 25301 on August 8, 2011.


John F. Tomasic
c/o Dr. Norman Gay
N-3222
West Bay St.
Nassau, N.P., Bahamas

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

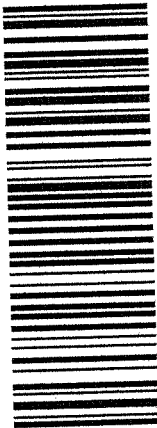
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Flat Rate

Apply



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7011 0110 0002 5164 2258



1006



25329

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EP14H JAN 2011 Outer Dimension: 10 x 5

1430 Sheridan St.
64
Hollywood, FL
33020

Clerk, U.S. District Court
for the Southern District of W.V.
P.O. Box 2546
Charleston, W.V.
25329